

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ABDULLAH BILAL,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS *et al.*,

Defendants.

Case No. C07-5421BHS/JKA

REPORT AND
RECOMMENDATION

NOTED FOR:
May 23, 2008

This 42 U.S.C. § 1983 Civil Rights action has been removed from Superior Court and referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. Before the court is a pleading that was placed on the court's calendar as a motion to dismiss (Dkt # 8). Review of the pleading reveals it is a stipulated motion to dismiss pursuant to Fe. R. Civ. P. 41 (a)(2).

Fed. R. Civ. P. 41 (a)(2) allows the court to dismiss an action under such terms as are just. Here, the parties stipulate to dismissal **WITHOUT PREJUDICE AND WITHOUT COSTS**. The undersigned recommends the court accept this stipulation.

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal rules of Civil Procedure, the parties shall have ten (10) days from service of this Report to file written objections. *See also* Fed.

1 R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of
2 appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule
3 72(b), the clerk is directed to set the matter for consideration on **May 23, 2008**, as noted in the
4 caption.

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6 DATED this 22 day of April, 2008.

7 /S/ J. Kelley Arnold
8 J. Kelley Arnold
9 United States Magistrate Judge
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